

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JON Q. WRIGHT,

Plaintiff,

v.

HAPPY HOOKER OUTDOORS, LLC,

Defendant.

Case No.:

**COMPLAINT FOR COPYRIGHT INFRINGEMENT WITH JURY DEMAND  
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff JON Q. WRIGHT by and through his undersigned counsel, brings this Complaint against Defendants HAPPY HOOKER OUTDOORS, LLC, for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff JON Q. WRIGHT (“Wright”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Wright's original copyrighted works of authorship.
2. Wright is the principal and owner of JQ Licensing LLC. Wright is one of the leading artists in North America specializing in fish and fishing related art. His art has graced over 56 different catalog and magazine covers since 1987. Wright has produced 38 limited and open-edition freshwater fish prints, and his art has been featured on hundreds of licensed products worldwide.
3. Defendant HAPPY HOOKER OUTDOORS, LLC (“HHO”) is a brick-and-mortar and online store on Lake Erie that sells fishing and hunting gear. At all times relevant herein,

HHO owned and operated the physical store located at 9688 West State Route 2, Oak Harbor, Ohio 43449 and the internet website located at the URL <https://www.happyhookeroutdoors.com/> (the “Website”).

4. Wright alleges that Defendant copied Wright's copyrighted Works and reproduced derivative versions of his Works on various articles of apparel that it branded with HHO's name and sold from its physical store and Website in order to advertise, market and promote its organization. Defendant committed the violations alleged in connection with HHO's business for purposes of advertising and promoting sales to the public in the course and scope of HHO's activities.

#### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Ottawa County Ohio.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

#### **DEFENDANTS**

9. Happy Hooker Outdoors, LLC is an Ohio limited liability company, with its principal place of business at 9688 West State Route 2, Oak Harbor, Ottawa County, Ohio 43449, and can be served by serving its Registered Agent, Mr. Earl “Bud” Baringer at 475 Twp. Road 184, Bellefontaine, OH 43311-9511.

**THE COPYRIGHTED WORKS AT ISSUE**

10. In 1993, Wright created the illustration entitled “*Walleye Green Lure*,” which is shown below.



11. Wright registered *Walleye Green Lure* with the US Register of Copyrights on July 10, 2009, and was assigned the registration number VAu 1-021-822. The Certificate of Registration is attached hereto as Exhibit 1.

12. In 2000, Wright created the illustration entitled “*Legend Series Walleye*”, which is shown below and together with *Walleye Green Lure* is referred to herein as the “Works”.



13. Wright registered *Legend Series Walleye* with the US Register of Copyrights on June 1, 2001, and was assigned the registration number VA 1-153-915. The Certificate of Registration is attached hereto as Exhibit 2.

14. Wright's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

15. At all relevant times Wright was the owner of the copyrighted Works at issue in this case.

### **INFRINGEMENT BY DEFENDANT**

16. HHO has never been licensed to use the Works at issue in this action for any purpose.

17. On a date after the Works at issue in this action were created, but prior to the filing of this action, HHO copied the Works.

18. On April 16, 2020, Wright discovered the unauthorized use of his Works on the Website. HHO used Wright's Works on a large number of t-shirts, hoodies and sweatshirts mostly branded with the "Happy Hooker Outdoors" store name.

19. HHO copied Wright's copyrighted Works without Wright's permission.

20. After HHO copied the Work, it made further copies in various derivative forms and distributed the Works on apparel that was displayed and sold at HHO's physical store and online store for the purpose of promoting and advertising HHO's business, goods and services.

21. HHO copied and distributed Wright's copyrighted Works in connection with HHO's business for purposes of advertising and promoting HHO's business, and in the course and scope of advertising and selling products and services.

22. HHO committed copyright infringement of the Works as evidenced by the documents attached hereto as Exhibit 3.

23. Wright never gave HHO permission or authority to copy, distribute or display the Works at issue in this case.

24. Wright notified HHO of the allegations set forth herein on April 17, 2020.

25. Despite Wright's notice to HHO on April 17, 2020, and acknowledgment by its owner, Earl Baringer on May 7, 2020, HHO continued to sell and ship infringing t-shirts containing infringing copies of the Works as late as August 24, 2020.

26. HHO's use of the Works was initially carried out with either willful blindness or reckless disregard with respect to Mr. Wright's ownership of the Works.

27. HHO continued to willfully infringe the Works by selling the infringing apparel at least as late as 109 days after HHO acknowledged receipt of Wright's notice.

28. HHO has denied that its apparel designs are infringements of Wright's Works, but as shown by the comparisons attached hereto as Exhibit 4, it is clear that substantial similarity exists between the HHO apparel images and Wrights Works.

29. To date, the parties have failed to resolve this matter.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

30. Wright incorporates the allegations of paragraphs 1 through 29 of this Complaint as if fully set forth herein.

31. Wright owns a valid copyright in each of the two Works at issue in this case.

32. Wright registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

33. HHO copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without Wright's authorization in violation of 17 U.S.C. § 501.

34. HHO performed the acts alleged in the course and scope of its business activities.

35. HHO's acts were willful.

36. Wright has been damaged.

37. The harm caused to Wright has been irreparable.

WHEREFORE, the Plaintiff Jon Q. Wright prays for judgment against the Defendant Happy Hooker LLC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

b. Defendant be required to pay Plaintiff his actual damages and HHO's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: April 22, 2021

Respectfully submitted,

/s/ Michael R. Szolosi, Jr.

MICHAEL R. SZOLOS, JR. (OH 0065175)

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